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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SCOTT CHARNEY et al.,

Plaintiffs,

-against-

CARLA ZIMBALIST, PAM CHANLA, JENNIFER S. WILKOV, EVOLUTIONARY STRATEGIC PLANNING, INC., and AMERIPRISE FINANCIAL, INC.,

Defendants.

ALVIN K. HELLERSTEIN, U.S.D.J.: x

ORDER DENYING MOTION FOR
RULE 11 SANCTIONS AND
LEAVE TO FILE HARD COPIES
OF EXHIBITS

07 Civ. 06272 (AKH)

On July 9, 2007, plaintiffs filed a complaint alleging, inter alia, violations of § 10(b) of the Securities Exchange Act of 1934. On July 8, 2009, plaintiffs moved for Rule 11 sanctions, pursuant to the Federal Rules of Civil Procedure, and ask for leave to file hard copies of exhibits. The motion and the request for leave are both denied.

Leave is denied because the exhibits are unnecessary to the motion, because they are either already in the court files, or unnecessary for the motion.

The Rule 11 motion for sanctions is denied because it is premature. The motion asks me to review a large number of facts that will be litigated. That is not the purpose of a Rule 11 motion.

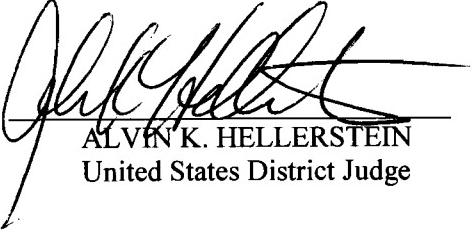
The problem giving rise to the motions is the inadequacy of the Answer filed by defendant Jennifer S. Wilkov. It denies knowledge generally when it should be specific as to, and responsive to, the particular allegations. For example, Wilkov should either admit or deny the sixth paragraph of the Complaint, alleging that she is without knowledge is frivolous.

Wilkov's Answer is stricken. She has ten days to file a proper Answer. If she fails timely to do so, plaintiffs may move to strike her answer and for judgment, followed by a renewed motion for sanctions.

The Clerk shall mark the motion (Doc. No. 90) as terminated.

SO ORDERED.

Dated: New York, New York
July 14, 2009


ALVIN K. HELLERSTEIN
United States District Judge